

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

THOMAS A. WAITE,

Plaintiff,

V.

CHURCH OF JESUS CHRIST,
LATTER-DAY SAINTS d/b/a
Corporation of the Presiding
Bishop of the Church of Jesus
Christ of Latter Day Saints,
a Utah corporation, d/b/a
Corporation of the President
of the Church of Jesus Christ
of Latter Day Saints, a Utah
Corporation; DONALD C.
FOSSUM, and STEVEN D.
BRODHEAD,

Defendants.

NO. CV-05-0399-EFS

ORDER GRANTING JOINT MOTION
FOR DISMISSAL OF CHURCH OF
JESUS CHRIST OF LATTER-DAY
SAINTS

Before the Court, without oral argument, is the parties' Joint Motion for Dismissal of Church of Jesus Christ of Latter-Day Saints (Ct. Rec. 87). After reviewing the parties' Agreed Facts and Stipulation, the Court finds good cause grant the motion. Accordingly, **IT IS HEREBY**

ORDERED:

1. The Joint Motion for Dismissal of Church of Jesus Christ of Latter-Day Saints (**Ct. Rec. 87**) is **GRANTED**.

2. The Church of Jesus Christ of Latter-Day Saints is dismissed from this action with prejudice and without costs to any party.

3. Dismissal of The Church of Jesus Christ of Latter-Day Saints does not impact any claim or cause of action plead in the Complaint and both Corporation of the Presiding Bishop of the Church of Jesus Christ of Latter Day Saints ("CPB") and Corporation of the President of the Church of Jesus Christ of Latter Day Saints ("COP") will remain as Defendants in the case.

4. The caption is hereby AMENDED to reflect the dismissal of the Church of Jesus Christ of Latter-Day Saints and the continuance of the lawsuit against Defendants CPB and COP (remove d/b/a labels).

5. CPB and COP, either or both, will be vicariously liable for any negligence attributed to defendant Donald Fossum under the doctrine of *respondeat superior*.

IT IS SO ORDERED. The District Court Executive is directed to enter this Order and provide copies to counsel.

DATED this 19th day of April 2007.

S/ Edward F. Shea
EDWARD F. SHEA
United States District Judge

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